UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

STEVEN DRURY,)
Plaintiff,)
V.)) C.A. NO. 03-11422-MLW
THE NEW ENGLAND REGIONAL COUNCIL OF CARPENTERS, CARPENTERS LOCAL UNION NO. 107, THOMAS HARRINGTON, ART SISKO, SIMON JAMES, and KENNEDY & ROSSI, INC.,))))
Defendants.)
	,

MOTION OF UNION DEFENDANTS TO DISMISS

Defendants New England Regional Council of Carpenters, Carpenters Local 107, Thomas Harrington, Art Sisko and Simon James respectfully move pursuant to Federal Rule of Civil Procedure 12(b) to dismiss the complaint on the grounds that plaintiff's claims are barred by the applicable statute of limitations and that the plaintiff's complaint fails to state a claim for which relief can be granted.

The undersigned hereby certifies that he has consulted with plaintiff in a good faith effort to narrow or resolve the issues.

Date: September 12, 2003

Respectfully submitted,

Christopher N. Souris

BBO #556343

KRAKOW & SOURIS, LLC

225 Friend Street Boston, MA 02114

(617) 723-8440

Facsimile:) (617) 723-8443

Attorney for defendants New England Regional Council of Carpenters, Carpenters Local 107, Thomas Harrington, Art Sisko and Simon James

CERTIFICATE OF SERVICE

I, Christopher N. Souris, hereby certify that I caused a copy of the foregoing to be sent by first class U.S. mail this 12th day of September, 2003 to Steven R. Drury, 18 Drury Lane, Templeton, MA 01468, Gretchen Hamilton, attorney for Kennedy & Rossi, Inc., One Maguire Road, Lexington, MA 02321 and Douglas W. Phillips, Holland & Knight, 10 St. James Street, Boston, MA 02116.

Christopher N. Souris

KRAKOW & SOURIS, LLC

ATTORNEYS AT LAW
225 FRIEND STREET
BOSTON, MASSACHUSETTS 02114

AARON D. KRAKOW CHRISTOPHER N. SOURIS*

GERALD A. FELD OF COUNSEL

*ALSO ADMITTED IN NEW YORK

TELEPHONE (617) 723-8440 TELECOPIER (617) 723-8443 TOLL FREE (888) 628-8200

MARK G. KAPLAN COLIN R. CONFOEY OF COUNSEL

September 12, 2003

HAND DELIVERED

United States District Court Office of the Clerk 1 Courthouse Way, Suite 2300 Boston, MA 02210

RE: Steven Drury v. New England Regional Council of Carpenters, et al C. A. No. 03-11422-MLW

Dear Sir/Madam:

Enclosed for filing in the above referenced matter please find the following:

- Motion of Union Defendants to Dismiss;
- 2. Declaration of Christopher N. Souris;
- 3. Memorandum of Union Defendants in Opposition to Plaintiff's Motion to Disqualify Counsel;
- 4. Memorandum Of Union Defendants In Opposition To Plaintiff's Motion To Remand; and
- 5. Memorandum Of Union Defendants In Support Of Their Motion To Dismiss.

Thank you for your attention to this matter.

Very truly yours,

Mary K Ebert for Christopher N. Souris

Encs.

C: Steven Drury
Gretchen Hamilton
Douglas Phillips